

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.: 2004\_0290

First Named Inventor : Minoru FUJIMORI et al.

Title: ANAEROBIC BACTERIUM AS A DRUG FOR CANCER GENE  
THERAPY

Express Mail Label No.:

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- 1.
- ☒
- Fee Transmittal Form
- 
- (Submit an original, and a duplicate for fee processing)

- 2.
- ☐
- Small Entity Status is hereby asserted.

- 3.
- ☒
- Specification [Total Pages: 71 ]
- 
- (preferred arrangement set forth below)
- Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Sequence Listing, a table, or a computer program listing appendix.

- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

- 4.
- ☒
- Drawing(s) (35 USC 113) [Total Sheets: 11]

- 5.
- ☒
- Oath or Declaration [Total Pages: 3]
- a.1. ☐ Newly executed (original or copy)
  - a.2. ☐ Unexecuted
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named  
in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

- 6.
- ☐
- Application Data Sheet (see 37 CFR 1.76)

- 7.
- ☐
- CD-ROM or CD-R in duplicate, large table or computer
- 
- program (Appendix)

- 8.
- ☒
- Nucleotide and/or Amino Acid Sequence Submission
- 
- (if applicable, all necessary)
- a. ☐ Computer Readable Form
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ Paper
  - c. ☐ The paper and computer readable copies are identical

## ACCOMPANYING APPLICATION PARTS

- 9. ☐ Assignment Papers (cover sheet & document(s))
- 10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
  - ☐ Power of Attorney
- 11. ☐ English Translation Document (if applicable)
- 12. ☐ Information Disclosure Statement (IDS)/PTO-1449
  - ☐ Copies of IDS Citations
- 13. ☐ Preliminary Amendment
- 14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- 15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- 16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
- 17. ☒ Other - Claim of Priority

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below, and in a preliminary amendment, or
- 
- in an Application Data Sheet:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/816,391

Prior Application Information Examiner Brian A. Whiteman

Group Art Unit 1635

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b,  
is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference therein. The  
incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

CUSTOMER NO.

000513

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February 23, 2004

22856 U.S. PTO  
10/782899

022304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Minoru FUJIMORI et al. :  
Serial No. NEW : **Attn: APPLICATION BRANCH**  
Filed February 23, 2004 : Attorney Docket No. 2004\_0290

ANAEROBIC BACTERIUM AS A DRUG FOR CANCER GENE THERAPY  
(Rule 1.53(b) Continuation of Serial No. 09/816,391,  
Filed March 26, 2001)

**PATENT OFFICE FEE TRANSMITTAL FORM**

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached hereto is a check in the amount of **\$1,674.00** to cover Patent Office fees relating to filing the following attached papers:

**Rule 53(b) application** ..... **\$770.00**  
**Additional Claims Fee:**  
**Excess of Twenty** ..... **\$270.00**  
**Independent** ..... **\$344.00**  
**Multiple Dependent Fee** ..... **\$290.00**

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

*The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.*

Respectfully submitted,

Minoru FUJIMORI et al.

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February 23, 2004

[Check No. 60349]

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